

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: 1/11/2010
Date Adopted: _____
Date Effective: _____

**AN ORDINANCE AMENDING SECTIONS 7-20-101 AND 7-20-102 OF
TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO
ENABLE THE COMMUNITY PRESERVATION DEPARTMENT TO
ENFORCE THE PROVISIONS OF TITLE 7.**

WHEREAS, the Community Preservation Department was created and is primarily comprised of the City's code enforcement and animal control divisions; and

WHEREAS, the Enforcement Chapter of Title 7 requires revision to reflect the creation of the Community Preservation Department and to enable the Community Preservation Department to enforce Title 7 provisions; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Sections 7-20-101 and 7-20-102 of Title 7 of the West Valley City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Sections 7-20-101 and 7-20-102 of Title 7 of the West Valley City Municipal Code are hereby amended as follows:

CHAPTER 7-20 ENFORCEMENT

Sections:

7-20-101. Enforcement Responsibility.

7-20-102. Powers and Duties of the Community Development Department.

7-20-101. ENFORCEMENT RESPONSIBILITY.

The Community and Economic Development Department and the Community Preservation Department are charged with the enforcement of this Title.

7-20-102. POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

The Community and Economic Development Department is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this Title, provided however, that no such inspection shall be required as a condition precedent to commencement on continuation of any construction, modification or repair of building or structure.

48 The Community and Economic Development Department and the Community Preservation
49 Department shall enforce all of the provisions of this Title, employing all legal means available to do
50 so. The Director may designate any employee as an enforcement official. Any employee designated
51 as an enforcement official is authorized to enter upon any property or premises to ascertain whether
52 the provisions of the City Code, any applicable state codes, or any conditions imposed by the Planning
53 Commission, Board of Adjustment or the Planning and Zoning Division are being obeyed and to make
54 any examinations and surveys as may be necessary in the performance of the employee's
55 enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
56 All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon
57 probable cause. If the property owner or person responsible for the property refuses to allow the
58 employee to enter the property, the employee shall obtain and execute a search warrant.

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60 **Section 4. Severability.** If any provision of this Ordinance is declared to be invalid by a court of
61 competent jurisdiction, the remainder shall not be affected thereby.

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63 **Section 5. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner
64 required by law.

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66 **PASSED and APPROVED** this _____ day of _____, 2010.

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68 WEST VALLEY CITY

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MAYOR

ATTEST:

CITY RECORDER